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OCA FILE SSCI/CA/HPSCIOCA 88-0746
11 March 1988

MEMORANDUM FOR THE RECORD

SUBJECT: Conversation with SSCI Staff on S.1721

1. On 11 March 1988 I delivered to David Holliday, senior SSCI staff, A/DCI Robert Gates' letter on S.1721 (attached). Mr. Holliday read the letter carefully and offered two observations:

- He volunteered that in his opinion the views expressed by the A/DCI were fully consistent with the views of Chairman Boren and Vice Chairman Cohen.

- He suggested that if CIA and HPSCI could agree on a single definition of "Special Activities," such an agreed definition almost certainly would be acceptable to the SSCI staff and Members.

2. Mr. Holliday said that both Chairman Boren and Vice Chairman Cohen were out of town for the remainder of the week but he would ensure that both had an opportunity to see the A/DCI's letters immediately upon their return.

[Redacted]
John L. Helgeson
Director of Congressional Affairs

Attachment

D/OCA/JLH: [Redacted] (11 Mar 88)

Distribution:

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S E C R E T
Central Intelligence Agency

Washington, D.C. 20505

OCA 88-0747

11 March 1988

The Honorable David L. Boren, Chairman
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

We are aware that S. 1721, the Intelligence Oversight Act of 1988, is scheduled to be considered by the Senate next week. I am writing to clarify an issue that has arisen with respect to that legislation.

The issue concerns what types of CIA activities will require Presidential Findings. It is my understanding that the definition of "special activities" contained in S. 1721 is intended to maintain the status quo with respect to when a Presidential Finding is required. That understanding is derived from our discussions and from the report accompanying S. 1721, which states the Committee's intention "to maintain current law with respect to both CIA and the Executive branch as a whole, as mutually interpreted and agreed upon by the Executive branch and the intelligence committees." As you are aware, we are also working with HPSCI on language for its version of the oversight bill that may clarify that intent even further. We hope the result will be a single definition that would apply to all U.S. Government departments and agencies.

Any definition of "special activities" contained in the legislation will, of course, be subject to interpretation. Under existing law, the Hughes-Ryan Amendment, there has been little disagreement in the majority of circumstances about those activities for which a Presidential Finding is or is not required. We expect that to continue if S. 1721 becomes law.

In a few rare circumstances, however, the Agency considers activities for which that determination is not as clear. We believe the record will show that the Committee has generally

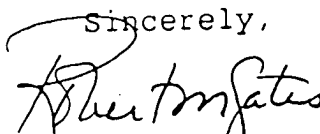
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S E C R E T

been aware of any significant such activities undertaken by the Agency, even if a Finding was not obtained, as a result of the Agency's keeping the Committee fully and currently informed of its intelligence activities. If S. 1721 or similar legislation becomes law, we intend to continue reporting these activities as we have in the past.

We do not interpret the intent of the legislation as changing this approach. If this is not consistent with your view of the intention of this legislation, Director Webster and I would appreciate the opportunity to discuss this matter directly with you and the Vice-Chairman. A similar letter is being sent to the Vice-Chairman.

Sincerely,



Robert M. Gates

Acting Director of Central Intelligence

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SECRET
Central Intelligence Agency

Washington, D.C. 20505

OCA 88-0748
11 March 1988

The Honorable William S. Cohen, Vice-Chairman
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

Dear Mr. Vice-Chairman:

We are aware that S. 1721, the Intelligence Oversight Act of 1988, is scheduled to be considered by the Senate next week. I am writing to clarify an issue that has arisen with respect to that legislation.

The issue concerns what types of CIA activities will require Presidential Findings. It is my understanding that the definition of "special activities" contained in S. 1721 is intended to maintain the status quo with respect to when a Presidential Finding is required. That understanding is derived from our discussions and from the report accompanying S. 1721, which states the Committee's intention "to maintain current law with respect to both CIA and the Executive branch as a whole, as mutually interpreted and agreed upon by the Executive branch and the intelligence committees." As you are aware, we are also working with HPSCI on language for its version of the oversight bill that may clarify that intent even further. We hope the result will be a single definition that would apply to all U.S. Government departments and agencies.

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Sincerely,



Robert M. Gates
Acting Director of Central Intelligence

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